

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: : Case No. 19-52861
:
Jose R. Villavicencio, : Chapter 7
:
Debtor. : Judge Hoffman

**RESPONSE OF CHAPTER 7 TRUSTEE IN OPPOSITION TO
EMERGENCY MOTION FOR STAY PENDING APPEAL (DOC. 219)**

Now comes Myron N. Terlecky, Chapter 7 Trustee (the “Trustee”) for the bankruptcy estate of Jose R. Villavicencio (the “Debtor”), by and through the undersigned counsel, and hereby submits his response in opposition (the “Response”) to the *Emergency Motion for Stay Pending Appeal Under Fed. R. Bankr. P 8005* (Doc. 219) (the “Motion”) filed by the Debtor on July 24, 2025. A memorandum in support is attached.

Respectfully submitted,

/s/ John W. Kennedy

Myron N. Terlecky (0018628)

John W. Kennedy (0042672)

Loni R. Sammons (0102196)

Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA

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Attorneys for Chapter 7 Trustee

MEMORANDUM IN SUPPORT

I. INTRODUCTION AND BACKGROUND

The Motion and related notice of appeal represent the latest attempt by the Debtor to interfere with and delay the Trustee's administration of this Chapter 7 bankruptcy case. The Debtor lacks standing to oppose the Motion to Sell, as defined below, and the Debtor lacks standing to appeal the Order of Sale, as defined below. For these reasons and because the Motion fails to meet the requirements for a stay pending appeal, the Motion should be denied.

On January 2, 2024, this Court entered its *Order Granting Motion of Chapter 7 Trustee for Authority to Liquidate Assets of JRV Sepira LLC* (Doc. 139) which authorizes the Trustee to sell the assets of the LLC to, first, pay the creditors of the LLC, and second, for the benefit of the bankruptcy estate. On April 15, 2025, the Trustee filed his *Motion of Chapter 7 Trustee for Authority to Sell Real Estate Located at (1) 409-411 St. Clair Avenue, Columbus, Ohio, (2) 527-529 Stewart Avenue, Columbus, Ohio, (3) 2269 Jefferson Avenue, Columbus, Ohio and (4) 354 Harris Avenue, Columbus, Ohio Free and Clear of all Claimed Liens, Interests or Encumbrances* (Doc. 210) (the "Motion to Sell"). The Motion to Sell sought authority to sell three pieces of real estate owned by JRV Sepira, LLC (the "LLC") and one piece of real estate jointly owned by the Debtor and another party.

No response or opposition was filed to the Motion to Sell. The Debtor did not file any response or opposition to the Motion to Sell. On July 11, 2025, this Court entered its *Order Granting Motion of Chapter 7 Trustee for Authority to Sell Real Estate Located at (1) 409-411 St. Clair Avenue, Columbus, Ohio, (2) 527-529 Stewart Avenue, Columbus, Ohio, (3) 2269 Jefferson Avenue, Columbus, Ohio and (4) 354 Harris Avenue, Columbus, Ohio Free and Clear of all Claimed Liens, Interests or Encumbrances* (Doc. 210) (Doc. 213) (the "Order of Sale").

As to the one piece of real estate jointly owned by the Debtor and another party, an agreement was reached authorizing the Trustee to sell the real estate located at 354 South Harris Ave., Columbus, Ohio (the “South Harris Real Estate”). An Order approving the disposition of the proceeds and contemplating the sale of the South Harris Real Estate was entered on June 7, 2024 (the “June 7 Order”) (See, Doc. 149). The Debtor, over a year ago, failed to take any action with respect to the terms of the June 7, 2024 Order. Through the Motion and appeal, the Debtor now challenges the sale of the South Harris Real Estate, along with the sale of other real estate.

In his Motion, the Debtor suggests that on July 23, 2025, he became aware of the Motion to Sell for the first time. In order to clarify any ambiguity with that statement, the Trustee notes that the Debtor was served with the Motion to Sell at a number of different addresses, each of which the Debtor has used since the commencement of this case.

Local Bankruptcy Rule 4002 imposes upon the Debtor an obligation to file a notice of any change of address (LBR 4002-2(a)). In a case that has been pending for over five (5) years, the Debtor and his counsel have failed to file such a notice. The Motion to Sell also was served upon the Debtor at the addresses listed below and upon his counsel of record. If counsel for the Debtor failed to advise him of the Motion to Sell, then the Debtor should seek the appropriate relief against his counsel.

The reason for serving the Debtor at each of the addresses listed below was done to avoid the continued frivolous claims of lack of notice, notwithstanding the failure of the Debtor and his current counsel to comply with the obligations required by the Local Bankruptcy Rules. The Trustee utilized the following addresses as set forth in the Motion to Sell:

- a. Jose R. Villavicencio
P O Box 32185
Columbus, OH 43232

This is the mailing address listed by the Debtor in his bankruptcy petition and remains the Debtor's mailing address on the Court's docket. See, Doc. 1

- b. Jose R. Villavicencio
3339 Daglow Rd.
Columbus, OH 43232

This is the address referenced by the Debtor as where he lived when the bankruptcy case was filed and utilized by the Debtor when proceedings pro se notwithstanding having an attorney of record. See Doc. 1; see also, Doc. 218.

- c. Jose Villavicencio
1664 Parsons Ave.
Columbus, OH 43207

This is the address utilized by the Debtor in a myriad of pleadings filed in other matters. See, *Villavicencio v. City of Columbus*, Case No. 25CV0134; U.S. District Court, Southern District of Ohio, Doc. 1; (a copy of the In Forma Pauperis Application is attached as Exhibit A). See, also, Notice of Appeal to the Sixth Circuit, Docs. 176 and 193.

- d. Jose Villavicencio
669 South 22nd St.
Columbus, OH 43205

This is the address utilized by the Debtor in a myriad of pleadings filed in other matters. See, *State of Ohio, City of Columbus v South German Village Med. Center*, Notice of Change of Contact Information, filed on September 15, 2023, in the Franklin County Municipal Court, Environmental Division Case 16EVH60013 (the "Environmental Court Case"), a copy of which is attached as Exhibit B; a Motion filed by the Debtor on October 30, 2023, in the Environmental Court Case, a copy of which is attached hereto as Exhibit C; a Notice of Appeal filed on November 15, 2023, by the Debtor in the Environmental Court Case, a copy of which is attached hereto as Exhibit D; and,

a Complaint filed on November 8, 2025, in the Common Pleas Court of Franklin County, Ohio, a copy of which is attached hereto as Exhibit E.

On July 24, 2025, the Debtor filed his *Notice of Appeal and Statement of Election* (Doc. 218) with respect to the Order of Sale. On the same date, the Debtor filed the Motion. The Motion alleges, among other things, that the Debtor is likely to succeed on this appeal because of an “overlapping” appeal before the U.S. Court of Appeals for the Sixth Circuit (Case No. 24-3963) (the “Sixth Circuit Appeal”), and that without a stay, the Debtor will suffer irreparable injury.

II. LAW AND ARGUMENT

Stays pending appeal are governed by Fed. R. Bankr. P. 8007 (formerly Bankr. R. 8005).

As this Court has explained:

Bankruptcy Rule 8005 authorizes a stay pending appeal upon motion by a party in interest. It is well established in this circuit that this Court must weigh the following when considering a motion for a stay pending appeal: “(1) the likelihood that the party seeking the stay will prevail on the merits of the appeal; (2) the likelihood that the moving party will be irreparably harmed absent a stay; (3) the prospect that others will be harmed if the court grants the stay; and (4) the public interest in granting the stay.” *Mich. Coalition of Radioactive Material Users, Inc. v. Griepentrog*, 945 F. 2d 150, 153 (6th Cir. 1991); *In re Smithers*, 2005 Bankr. LEXIS 2899, *3-4 (Bankr. S.D. Ohio 2005).

In re Gress, 435 B.R. 520, 523 (Bankr. S.D. Ohio 2010) (Preston, J.). Furthermore, “The movant is always required to demonstrate more than the mere ‘possibility’ of success on the merits. For example, even if a movant demonstrates irreparable harm that decidedly outweighs any potential harm to the defendant if a stay is granted, he is still required to show, at a minimum, ‘serious questions going to the merits.’” *In re Gress*, 435 B.R. at 523 (quoting *Mich. Coalition*, 945 F.2d at 153).

In the present case, the Debtor cannot demonstrate a likelihood that he will prevail on the merits because the Debtor lacked standing to oppose the Motion to Sell in the first place. “It is well-established that a Chapter 7 debtor is a ‘party in interest’ and has standing to object to a sale

of the assets, or otherwise participate in litigation surrounding the assets of the estate, *only* if there could be a surplus after all creditors' claims are paid.” *60 E. 80th St. Equities, Inc. v. Sapir (In re 60 E. 80th St. Equities)*, 218 F.3d 109, 115 (2nd Cir. 2000) (emphasis added). That is, unless a debtor can demonstrate that there is a reasonable possibility of a surplus to be received by the debtor, the debtor has no pecuniary interest in the outcome of a sale of assets. Further, to demonstrate standing, “the debtor cannot simply claim that there is a theoretical chance of a surplus in the estate, but must show that such surplus is a reasonable possibility.” *Simon v. Amir (In re Amir)*, 436 B.R. 1, 10 (B.A.P. 6th 2010) (internal citations and quotations omitted). The debtor has the burden of demonstrating a reasonable possibility of a surplus. *In re Underwood*, 583 B.R. 438, 441 (Bankr. E.D. Mich. 2018) (citing *In re Lunan*, 523 Fed. App'x. 339, 340 (6th Cir. 2013)). Here, the Debtor failed to demonstrate a reasonable possibility of a surplus, and, considering the multimillion-dollar judgment against him, the Debtor cannot meet this burden.

Standing is a jurisdictional issue. *In re Troutman Enterprises, Inc.*, 286 F.3d 359, 364 (6th Cir. 2002). “In essence the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues.” *Warth v. Seldin*, 422 U.S. 490, 498, 95 S.Ct. 2197, 45 L.Ed. 2d 343 (1975). Standing is a “qualifying hurdle that [a plaintiff] must satisfy even if raised sua sponte by the court.” *Community First Bank v. Nat'l Credit Union Admin.*, 41 F.3d 1050, 1053 (6th Cir. 1994); *Newsome v. Batavia Local School District*, 842 F.2d 920 (6th Cir. 1988) (issues of standing can be raised by this Court sua sponte because standing is “always a “threshold inquir[y]”).....”

In re St. Michael Motor Express, 2016 Bankr. LEXIS 959, *9 (Bankr. W.D. Tenn. 2016).

The Debtor’s lack of standing also bars his appeal, an issue the Trustee will address with the district court. “The lack of standing is a jurisdictional bar to appellate review. An appellate court must therefore raise the issue of standing *sua sponte* because it is ‘under an independent obligation to police its own jurisdiction.’” *Amir*, 436 B.R. at 9 (quoting *SEC v. Basic Energy & Affiliated Res., Inc.*, 273 F.3d 657, 665 (6th Cir. 2001)) (internal citation omitted).

Because the Debtor has not demonstrated the reasonable likelihood of a surplus, the Debtor cannot demonstrate irreparable harm, the second factor listed in the *Gress* and *Mich. Coalition* cases, above. Again, the Debtor is not harmed by the sale of property of the estate because the Debtor has no pecuniary interest in the property. Without the likelihood of a surplus, the Debtor will not be harmed by the consummation of the sales contemplated by the Order of Sale.

Conversely, the Trustee and creditors of this estate will be further harmed by the delay that would be caused by a stay pending appeal. The Debtor has filed several appeals in this case and has generally done whatever he could to thwart the efforts of the Trustee to administer assets of the estate. Enough is enough. The Motion is another frivolous attempt to cause delay in this case, and it should be denied.

III. CONCLUSION

For the foregoing reasons, the Trustee respectfully requests that this Court deny the Motion and grant such other and further relief as is just and proper.

Respectfully submitted,

/s/ John W. Kennedy

Myron N. Terlecky (0018628)

John W. Kennedy (0042672)

Loni R. Sammons (0102196)

Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA

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jwk@columbuslawyer.net

lrs@columbuslawyer.net

Attorneys for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE OF CHAPTER 7 TRUSTEE IN OPPOSITION TO EMERGENCY MOTION FOR STAY PENDING APPEAL (DOC. 219) was served (i) **electronically** on the date of filing through the court's ECF system on all ECF participants registered in the case at the email addresses registered with the court, and (ii) by **first class U.S. Mail** on July 30, 2025 addressed to the parties listed below:

Jose R. Villavicencio
PO Box 32185
Columbus, OH 43232

Also Served At:

Jose R. Villavicencio
3339 Daglow Rd.
Columbus, OH 43232

And

Jose Villavicencio
1664 Parsons Ave.
Columbus, OH 43207

And

Jose Villavicencio
669 South 22nd Street
Columbus, OH 43205

Mark J. Bamberger, Esq.¹
PO Box 189
Spring Valley, OH 45370

And

Mark J. Bamberger, Esq.²
140 E Broadway Ave.
Tipp City, OH 45371

¹ While service of a responsive pleading is not required to be sent by regular mail to ECF participants, this pleading is being served by regular mail on counsel for the Debtor. See, ECF Procedure 9 and LBR 9103-3.

² This address is from utilizing the Google search engine to locate any change of address for Debtor's counsel of record..

And

Mark J. Bamberger, Esq.³
5601 Rahn de Vue Place
Washington Township, OH 45459

/s/ John W. Kennedy
John W. Kennedy (0042672)

³ This address for counsel of the Debtor was obtained from the Ohio Supreme Court Attorney Directory.

EXHIBIT A

Jose Villavicencio

Full Name

1664 Parsons Avenue

Columbus OH 43207

Complete Mailing Address

614 972 3126

Daytime Telephone Number

Plaintiff

JUDGE WATSON

MAGISTRATE JUDGE VASCURA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

Jose Villavicencio

(full name)

Plaintiff,

v.

City of Columbus

c/o Zach Klein

77 North Front Street

Columbus OH 43215

Defendant(s).

2:25 CV 0134

Case No.

(to be assigned by the Court)

**IN FORMA PAUPERIS
APPLICATION**
(nonprisoner)

I request that the Court allow me to proceed in forma pauperis in this action because I am unable to pay the filing fee at the time of filing as a result of my poverty. I swear or affirm, under penalty of perjury, that the following information is true and correct to the best of my knowledge.

AFFIDAVIT

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. *(Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.)*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 1000	\$ n/a	\$ 1000	\$ n/a
Self-employment	\$ 0	\$ n/a	\$ 0	\$ n/a
Income from real property (such as rental income)	\$ 0	\$ n/a	\$ 0	\$ n/a
Interest and dividends	\$ min	\$ n/a	\$ min	\$ n/a
Gifts	\$ 0	\$ n/a	\$ 0	\$ n/a
Alimony	\$ 0	\$ n/a	\$ 0	\$ n/a
Child support	\$ 0	\$ n/a	\$ 0	\$ n/a
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ n/a	\$ 0	\$ n/a
Disability (such as social security, insurance payments)	\$ 0	\$ n/a	\$ 0	\$ n/a
Unemployment payments 0	\$ 0	\$ n/a	\$ 0	\$ n/a
Public-assistance (such as welfare)	\$ 0	\$ n/a	\$ 0	\$ n/a
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$	\$	\$	\$

2. List your employment history, most recent employer first.

Employer	Address	Dates of Employment	Gross monthly pay
South German Village LLC	1664 Parsons Ave Columbus OH 43207	2013 - 2024	\$1000 + RENT + COMPANY CAR

3. List your spouse's employment history, most recent employer first.

Employer	Address	Dates of Employment	Gross monthly pay
n/a			

4. How much cash do you and your spouse have? \$ 92

Below, state any money you and your spouse have in bank accounts or other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
Bank of America	checking	\$ 90.98	\$ n/a
		\$	\$
		\$	\$

5. List the assets (with values) that you own or your spouse owns. (Do not list clothing and ordinary household furnishings.)

Home (Address and Value)	Other real estate (Address and Value)	Motor vehicle #1 (Value):
no car	none	Make: n/a
		Year: n/a
		Model:

Motor vehicle #2 (Value)	Other assets (item and value)	Other assets (item and value)
Make: n/a		
Year:		
Model:		

6. Does anyone owe you or your spouse money? State the person's name and the amount owed.

no

7. On the chart below, estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ n/a
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 75	\$ n/a
Home maintenance (repairs and upkeep)	\$ 0	\$ n/a
Food	\$ 320	\$ n/a
Clothing	\$ 30	\$ n/a
Laundry and dry-cleaning	\$ 10	\$ n/a
Medical and dental expenses	\$ 20	\$ n/a
Transportation (not including motor vehicle payments)	\$ 0	\$ n/a
Recreation, entertainment, newspapers, magazines, etc.	\$ 55	\$ n/a
Insurance (not deducted from wages or included in Mortgage payments)	\$	\$ n/a
Homeowner's or renter's	\$ 0	\$ n/a
Life	\$ 0	\$ n/a
Health	\$ none	\$ n/a
Motor Vehicle	\$ 95	\$ n/a
Other:	\$	\$ n/a
Taxes (not deducted from wages or included in Mortgage payments) (specify):	\$ 150	\$ n/a
Car payment (creditor):	\$ 0	\$ n/a
Credit card (name): PenFed Credit Union	\$	\$ n/a
Credit card (name):	\$ 115	\$ n/a
Department store (name):	\$ 0	\$ n/a
Other:	\$	\$ n/a
Alimony, maintenance, and support paid to others	\$ 0	\$ n/a
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 60 (gas)	\$ n/a
Other (specify): misc/discretionary	\$ 50	\$ n/a
Total monthly expenses:	\$ 1000	\$ n/a

8. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>none</u>		

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? Yes NO (circle one)

If yes, describe: no change.. May get less wages if properties owned by LLC's are sold

10. Have you paid, or will you be paying, an attorney, paralegal, document preparation service, or anyone else any money for services in connection with this case, including the completion of this form? Yes NO (circle one) If yes, how much? \$ zero

If yes, state the attorney's or person's name, address, and telephone number:

n/a

11. Provide any other information that will help explain why you cannot pay the filing fee. If you live with someone who is not your spouse, explain how much they contribute. in the middle of bankruptcy. SEP-IRA all gone

12. Age: 62 Years of schooling: 20

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the filing fee in my case. I believe I am entitled to redress for the reasons set forth in my complaint. I swear or affirm under penalty of perjury under the laws of the United States of America that my answers on this form are true and correct. (See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.)

Executed this 14th day of February, 2025

Plaintiff Jose Villavicencio

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FEB 11 2025

ROBERT W. SAGLEY, CLERK OF COURT
COLUMBUS, OHIO

Jose Villavicencio

(Enter Above the Name of the Plaintiff in this Action)

vs.

2:25 CV 0134

City of Columbus

(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

JUDGE WATSON

Franklin County Environmental Court

MAGISTRATE JUDGE VASCURA

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Jose Villavicencio

Name - Full Name Please - PRINT

1664 Parsons Avenue

Street Address

Columbus OH 43207

City, State and Zip Code

614 9723126

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. City of Columbus, c/o Zah Klein

Name - Full Name Please

77 North Front Street, Columbus OH 43215

Address: Street, City, State and Zip Code

2. Franklin County Environmental Court c/o Stephanie Mingo

375 S High Street, 15th Flr, Columbus OH 43215

3. _____

4. _____

5. _____

6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

☒ Title 28 U.S.C. § 1343(3)

[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]

☐ Title 28 U.S.C. § 1331

[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]

☐ Title 28 U.S.C. § 1332(a)(1)

[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]

☐ Title _____ United States Code, Section _____

[Other federal statute giving the court subject matter jurisdiction.]

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

The defendant filed a lawsuit against the plaintiff as well as the other LLC's, of which the defendant is a partial or full owner. The properties concerned were fully under the control of Rent Due LLC. The defendant subsequently dismissed all charges against Rent Due LLC, who subsequently took over \$300,000. Defendant then held plaintiff fully responsible for correcting issues that came about because of Rent Due LLC.

The defendant denied plaintiff the usual procedure for addressing violations of housing code by hiring inspectors who violated department procedures. Inspectors also were repeatedly changed, so that the violations kept changing as well.

The defendant did not give proper notice of a status conference. When plaintiff failed to show up, the defendant asked the court to put properties in receivership despite the absence of a hearing as required by law.

The defendant subsequently asked the environmental court to disqualify the plaintiff from participating in the court deliberation which eventually resulted in the sale of the properties. Multiple provisions of the Ohio Revised Code were violated in the process.

Multiple attempts by the plaintiff to participate in the judicial process were all denied. Thus, the case is simultaneously on appeal at the county level.

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case NumberCaption

_____	_____	vs. _____
_____	_____	vs. _____
_____	_____	vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

- 1) Hold the city responsible for the loss of the over \$300,000 that Rent Due LLC could have used to correct housing issued that came fully as a result of its control
- 2) Rescind all sales of property that came about after plaintiff was deprived of due process of law
- 3) Put a stay on all orders for sale of the property by the municipal court.
- 4) Expunge civil offenses on the plaintiff's record
- 5) Refund all penalties levied on the plaintiff and the LLC,s
- 6)Mandate retention of records by the Code Enforcement department related to the plaintiff all the LLC's until such time that the case is decided in Federal Court.
- 7) Freeze further disbursement of funds to pay the current receiver, New Perspective Asset Management

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 11 th day of February, 20 25.

Joe Villavicencio
Signature of Plaintiff

I. (a) PLAINTIFFS

Jose Villavicencio

(b) County of Residence of First Listed Plaintiff Franklin

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

City of Columbus

Franklin County Environmental Court

County of Residence of First Listed Defendant Franklin

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (if known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF ☐ 1 DEF ☐ 1
Citizen of Another State PTF ☐ 2 DEF ☐ 2
Citizen or Subject of a Foreign Country PTF ☐ 3 DEF ☐ 3
Incorporated or Principal Place of Business in This State PTF ☐ 4 DEF ☐ 4
Incorporated and Principal Place of Business in Another State PTF ☐ 5 DEF ☐ 5
Foreign Nation PTF ☐ 6 DEF ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 JUDICIAL REVIEW OF AGENCY ACTIONS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983

Brief description of cause:

Plaintiff deprived of due process on multiple occasion

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIVED AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio



Jose Villavicencio

Plaintiff(s)

v.

Franklin County Environmental Court

Defendant(s)

Civil Action No.

2 : 25 CV 0 1 3 4

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Franklin County Environmental Court
c/o Stephanie Mingo
375 S high Street, 15th Flr
Columbus OH 43215

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jose Villavicencio
1664 Parsons Avenue
Columbus OH 43207

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/11/2025

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio



Jose Villavicencio

Plaintiff(s)

v.

City of Columbus

Defendant(s)

Civil Action No.

2:25 CV 0134

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

City of Columbus

c/o Zach Klein
77 North Front Street
Columbus OH 43215

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jose Villavicencio
1664 Parsons Avenue
Columbus OH 43207

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/08/2025

Signature of Clerk or Deputy Clerk

USM-285 (Rev. 5/80) Fill out the form and attach copies. Sign as needed and route as specified.						
U.S. Department of Justice United States Marshals Service			PROCESS RECEIPT AND RETURN <i>See "Instructions for Service of Process by U.S. Marshal"</i>			
PLAINTIFF		Jose Villavicencio		COURT CASE NUMBER		
DEFENDANT		City of Columbus		TYPE OF PROCESS		
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN					
	c/o Zach Klein					
ADDRESS (Street or R.F.D., Apartment No., City, State and ZIP Code)						
77 North Front Street, Columbus OH 43215						
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW				Number of process to be served with this Form 285		
Jose Villavicencio 1664 Parsons Avenue Columbus OH 43207				1		
				Number of parties to be served in this case		
				1		
				Check for service on U.S.A.		
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available for Service):						
Signature of Attorney other Originator requesting service on behalf of:			<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE	
				614 9723126	2/14/25	
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY— DO NOT WRITE BELOW THIS LINE						
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 (if more than one USM 285 is submitted))		Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No.	No.	No.		
I hereby certify and return that <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or the on the individual, company, corporation, etc. shown at the address furnished below.						
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)						
Name and title of individual served (if not shown above)						
Address (complete only if different than shown above)						
<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode						
Date _____ Time _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.						
Signature of U.S. Marshal or Deputy						
Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or (Amount of Refund)	
					\$0.00	
REMARKS:						
<div style="display: flex; justify-content: space-between;"> <div> <p>FOR INFORMATION:</p> <ol style="list-style-type: none"> 1. CLERK OF THE COURT 2. USMS RECORD 3. NOTICE OF SERVICE 4. BILLING STATEMENT: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal. 5. ACKNOWLEDGMENT OF RECEIPT </div> <div> <p>PRIOR EDITIONS MAY BE USED</p> <p>Form USM-285 Rev. 12/15/80 Automated 01/90</p> </div> </div>						

U.S. Department of Justice United States Marshals Service		PROCESS RECEIPT AND RETURN <i>See "Instructions for Service of Process by U.S. Marshal"</i>	
PLAINTIFF Jose Villavicencio		COURT CASE NUMBER	
DEFENDANT Franklin County Environmental Court		TYPE OF PROCESS	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	ADDRESS (Street or RFD Apartment No., City, State and ZIP Code) c/o Stephanie Mingo 375 South High Street, 15th Flr, Columbus OH 43215		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW			
Jose Villavicencio 1664 Parsons Avenue Columbus OH 43207		Number of process to be served with this Form 205	1
		Number of parties to be served in this case	1
		Check for service on U.S.A.	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, AS Telephone Number, and Estimated Time Available for Service):			
<div style="display: flex; justify-content: space-between;"> <u>File</u> <u>Mail</u> </div>			
Signature of Attorney or Originator requesting service on behalf of:		<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 614 9723126
			DATE 02/11/2025
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY— DO NOT WRITE BELOW THIS LINE			
I acknowledge receipt for the total number of process indicated. (Sign only for USM 205 if secure than case USM 205 is submitted)		Total Process	Date
		District of Origin	
		Directed to Serve	
		Signature of Authorized USMS Deputy or Clerk	
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Instructions", the process described as the individual, company, corporation, etc., at the address shown above as the individual, company, corporation, etc., shown at the address located below.			
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)			
Name and title of individual served (if not shown above)		<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only if differs from shown above)		Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
		Signature of U.S. Marshal or Deputy	
Service Fee	Total Mailing Charges (including envelope)	Forwarding Fee	Total Charges
			Admission Deposits
			Amount owed to U.S. Marshal or (Amount of Refund)
			\$0.00
REMARKS:			
1. CLERK OF THE COURT 2. USMS RECORD 3. NOTICE OF SERVICE 4. BILLING STATEMENT: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal. 5. ACKNOWLEDGMENT OF RECEIPT			
PRIOR EDITIONS MAY BE USED			
Form USM-205 Rev. 12/15/01 Automated 01/00			

EXHIBIT B

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

2023 SEP 15 PM 2:51

STATE OF OHIO,
CITY OF COLUMBUS,

Plaintiff,

JUDGE STEPHANIE MINGO

CASE #: 16 EVH 60013

vs.

South German Village
Defendant. Med Center

NOTICE OF CHANGE OF CONTACT INFORMATION

I, JOSE VILLAVICENCIO, hereby notify the court of the following changes in

contact information:

Name: _____ () Plaintiff (X) Defendant

Updated Contact Information:

669 S 2nd Street
Columbus OH 43205

Respectfully Submitted,

[Signature]
Signature

8/6/23
Date

EXHIBIT C

**Franklin County Environmental Court
Franklin County Ohio**

FILED

2023 OCT 30 PM 3:40

Plaintiff City of Columbus

Consolidated Case Numbers

2016 EVH 60013

2021 EVH 60053

2022 EVH 60082

2022 EVH 60507

Vs

Defendant Villavicencio et al

Judge Stephanie Mingo

**Motion to Compel the Receiver,
NPAM, to Follow City Ordinances/Regulations
In the Performance of Its Duties/Responsibilities**

Now comes, the defendant, Jose Villavicencio, asking the court to exercise its oversight responsibilities over the receiver, New Perspective Asset Management.

It has become apparent that the receiver has not followed actual city ordinances in the performance of its job. The following is proof of this:

1) 1931 Parsons Avenue has been boarded up in a manner inconsistent with city standards (see Appendix A). The plywood used to board the property are not cut to fit the opening in the windows and doors.

2) Ann Street property has been boarded up in a manner that is not compliant with city standards. The plywood used to board the property are not cut to fit the opening of the windows and door.

3) 238-240 Reeb property has been boarded up in a manner not compliant with city's municode. The plywood used to board the property are not cut to fit the opening of the windows and doors.

4) 929 Bellows has been boarded up in a manner not compliant with the city's code. The plywood used to board the property is not cut to fit the opening of the windows and doors.

The reason behind the requirement that the boards must be cut to fit the opening is that the boards become less susceptible to prying. This is the reason why previous code inspectors have us redo the boarding to comply with this.

The structures described above have been boarded up appropriately. 1931 Parsons avenue had the posterior portion of the building boarded up by the city when the property was under the control of the previous receiver, Rent due LLC. The posterior doors and anterior doors have likewise been boarded up by the city's crew in the case of 238-240 Reeb Avenue, as well as in the case of 929 Bellows avenue. Why NPAM had to redo the work done by the city's crew is hard to explain, especially since the manner they did this now makes the structures noncompliant.

The only logical way to explain this is that NPAM has endeavored to increase the expenses associated with the management of the buildings, knowing that the case has been appealed to the appellate court.

Moreover, the receiver, NPAM, had installed new railing at 238-240 Reeb Avenue, and has indicated to the tenant at 377 Berkeley that they will be installing railings in that address as well. The height of these porches is 30 inches and less, and thus, there is no need for a porch railing. This has been the case even in 2016, when both properties passed inspection without railings. Even in the more recent cases, the said properties have not been cited for a lack of railings.

Kayla Harris, of 1270 South Ohio was told that they will tear down the front porch tomorrow. Once again, there is flagrant violations in the front porch at this time, and Kayla Harris is asking the court to add her as a party to the above cases as well as petition the court for an emergency restraining order for NPAM to perform such a task.

Once again, this is seen as an effort by the receiver to increase its scope of work and increase its reimbursement.

I am therefore requesting an immediate cessation of any similar work, and requesting a hearing from the city to rule on this.

Jose Villavicencio

669 S 22nd St

Columbus OH 43205

**IN THE CIRCUIT COURT
ENVIRONMENTAL COURT
Franklin County, Ohio**

City of Columbus

Plaintiff

2016 EVH 60013 2021 EVH 60053
2022 EVH 60082 2022EV

-vs

Jose Villavicencio
South German Village LLC
Argous LLC, JRV Sepira LLC

Defendant

AFFIDAVIT

I, Jose Villavicencio of Franklin County, Ohio, being duly sworn, deposes and affirm upon oath, that assertions made here are the truth to the best of my determination

**STATE OF OHIO
COUNTY OF FRANKLIN**

SUBSCRIBED TO AND SWORN BEFORE ME, this 10/05/2023.

Signature _____ (Seal)

My Commission expires _____

CERTIFICATE OF SERVICE

I certify that on October 23, 2023, a copy of the foregoing motion was served by regular U.S. Mail on the following parties:

Prosecuting Attorney, City of Columbus,
375 South High ST, 17TH FLOOR
Columbus OH 43215

Myron Terlecky
Trustee
575 South 3rd Street
Columbus, OH 43215

NPAM % Attorney Koutinho
10 West Broad Street Suite 2400
Columbus OH 43215

Michael Vasko
19 N High St
Canal Winchester OH 43110

Jose Villavicencio

EXHIBIT D

IN THE FRANKLIN COUNTY MUNICIPAL COURT
CIVIL DIVISION
FRANKLIN COUNTY, OHIO

FILED

23 NOV 15 AM 9:41

City of Columbus
375 S High St 17th Fl
Columbus OH 43215

FRANKLIN COUNTY
MUNICIPAL COURT
10-10-10

PLAINTIFF'S NAME AND ADDRESS

-VS-

CASE NUMBER: 2016 OH 60013

JOSE VILLAVICENCIO et al
669 S 22nd St
Columbus OH 43205

DEFENDANT'S NAME AND ADDRESS

NOTICE OF APPEAL

Notice is hereby given that JOSE VILLAVICENCIO et al hereby appeals to
(PARTY NAME)

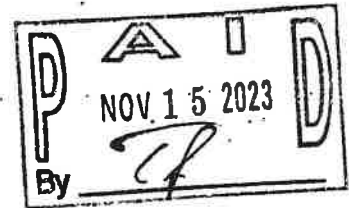
the Court of Appeals, Tenth Appellate District of Franklin County, Ohio, from the final

Judgment entry of the Franklin County Municipal Court entered on Aug 20 2023
(DATE)

Jose Villavicencio
(SIGNATURE)

JOSE VILLAVICENCIO
669 S 22nd St
Columbus OH 43205
(614) 902-7725
(NAME AND ADDRESS)

CV APPEAL FORM



INSTRUCTIONS TO THE CLERK

LORI M. TYACK, CLERK

FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO

CITY OF COLUMBUS
John A. [signature] Plaintiff
VS.
Jose R. Vico [signature] Defendant
Date _____

Case No. 211 CV EVV 60013
Signature [signature]
Attorney Code _____
Attorney for _____

To the Clerk: Please issue

_____ Writ of Restitution - \$35.00 (Includes Service)
(Red Tag)
_____ Set Out - \$45.00 (Includes Service)
_____ Replevin - \$35.00 (Includes Service)
(You must complete bailiff instructions)
_____ Execution - \$35.00 (Includes Service)
(You must complete bailiff instructions)
_____ Execution/Vehicle - \$835.00 (Includes Service)
(You must complete bailiff instructions)
_____ Exemplified Copy or Certificate of Copy - \$20.00
_____ Certificate of Judgment - \$10.00
_____ Revivor - \$30.00
(Up to 3 defendants and/or addresses with 1 type of service)
_____ Certificate of Judgment to BMV - \$10.00
Date of Loss _____
Date of Birth _____
Social Security # _____
Drivers License # _____
License Plate # _____
✓ _____ Appeal - \$50.00
_____ Transfer from Small Claims - \$45.00
_____ Certified Copies - \$1.00 ea.
_____ Other _____

_____ Assignment of Judgment - \$20.00
_____ Docket Transcript - \$20.00
_____ Out of County Sheriff - \$41.00
County Name _____
_____ Post Judgment Motion - \$20.00
_____ Objection to Magistrate's Report - \$20.00
_____ Amended Complaint - \$20.00
(plus service fees, if requested)
_____ Third Party Complaint - \$20.00
(plus service fees, if requested)
_____ Counterclaim/Crossclaim - \$20.00 ea.
(plus service fees, if requested)
_____ Order to Show Cause - \$50.00
(Includes Service)
_____ Ordinary Mail Svc - \$3.00 ea.
_____ Certified Mail Svc - \$6.00 ea.
_____ Bailiff Svc - \$25.00 ea.
_____ Jury Demand Fee - \$10.00
_____ Jury Demand Deposit - \$500.00
_____ New Address _____

Street _____
City _____ State _____ Zip code _____

EXHIBIT E

In the Court of Common Pleas Franklin County
Civil Division

Plaintiff Name: Jose Villavicencio
Plaintiff Address: 669 S 22nd Street
Columbus OH 43205

Case No:

Plaintiff Name: Tracey Johnson
377 Berkeley Rd
Columbus OH 43203

VS

Defendant Name: Stephanie Mingo
Defendant Address 375 S High St 15th flr
Columbus OH 43215

Defendant Name New Perspective Asset Management
Defendant Address: 129 S High Street
Dublin Ohio 43017

COMPLAINT

Plaintiff, Jose Villavicencio, plaintiff Tracey Johnson and Bruce Harris, residents of Franklin County, Ohio, bring forth the following causes of action and aver the following.

1. Plaintiffs and Mr Harris are individuals who reside in Franklin County Ohio

2. Defendants are personnel and representative of the Environmental Court who are being accused of abuse of judicial power and who have transgressed upon the rights of the plaintiffs
3. Tenant Bruce Harris has lived in 1270 South Ohio Avenue for the last 5 years. He has gone through one receivership, from 2019 to 2021 through the Franklin County Common Pleas Court. At the beginning of the first receivership, he got notification and had her day in court. Plaintiff Tracey Johnson has lived in 377 Berkeley for the last 3 years
4. Plaintiffs did not get any notification of the receivership though the Franklin County Environmental Court.
5. There was never any hearing done prior to 1270 S Ohio Avenue being put on receivership, and the first awareness of receivership this was when a representative showed up and demanded rent. The same goes for 377 Berkeley and 669 S. 22nd Street.
6. At that time, the receiver admitted that there were no code violations inside the houses and that the outside of the house was mostly in compliance.
7. The interaction between the receiver and Bruce Harris became more acrimonious when Bruce Harris informed them that he had paid for an entire year's rent at a discounted rate in March of this year, when she was given the opportunity when the company, South German Village LLC, was in need of funding. The same is true with Stacey Johnson
8. Bruce Harris was told last week that the porch was going to be torn down. Mr Harris protested and informed receiver that there was no code violations in the front porch. Plaintiff Jose Villavicencio, manager of South German Village LLC, was told that the porch was being demolished. Plaintiff Villaviencio came and told contractors that there is currently an appeal being filed. NPAM, the receiver, threatened Jose Villavicencio with contempt of court and came with the police.

9. Plaintiff Tracey Johnson was told that he needed railing in his porch, as well as concrete parking pads in the back.
10. Bruce Harris was told yesterday that the toys of his 4 children cannot be left out in the yard and that the fences are going to be removed and replaced. Trees were cut down without discussing it with the tenants and the cuttings were piled in the back of the property.
11. Bruce Harris informs the contractors of NPAM that the fencing was not even two years old on one side, and that the other side had been an old fence of the neighbor's.
12. Bruce Harris and Stacey Johnson are concerned that the receiver is attempting to pile up unnecessary expense and construction costs in order to encumber the property and force a sale. They had every intention of staying on in their place despite the steady gentrification.
13. Plaintiff Jose Villavicencio has filed multiple motions in the environmental court. There is clear error when Judge Mingo concluded that the properties under south German Village LLC has deteriorated to the point that it has become a clear danger to the occupants, and so approved a vague plan put up by the receiver to rehab and then sell the properties. That plan had no specific items listed, and did not even confine the receiver to just addressing the issue of violations. The oversight of the welfare of long term tenants- tenants who are to be let go in the plan to upgrade and sell the units- reveals the hypocrisy of the concern of this judge on the tenants' safety and welfare.
14. It was pointed out in a motion to stay the receivership that there was no proper notification, as admitted by Attorney Zach Gwinn, city attorney, to Attorney Coutino of NPAM. While a hearing prior to receivership is not explicitly required by law, impractical in the face of abandoned and truly blighted properties, the law nevertheless requires

that opportunity needs to be given to people who have interest in the property and who may be able to remedy the situation. When interest was shown by parties filing motions before the receivership was recorded and made official, when frantic denials of proper notification were made by multiple tenants who showed up in court, when multiple motions to stay judge's receivership orders and when an attempt was made to elevate this case to the court of appeals, an impartial, unbiased and fair-minded judge should have ordered a formal hearing. Not to do so should constitute judicial misconduct.

15. But this judge has shown partiality, and denied an attorney's telephone request for continuance in the last hearing held April 13, 2023. At that time, there was a schedule to have another status conference on 27th of July 27 2023. Plaintiff Jose Villavicencio was not allowed on April 13 to question any allegations made by witnesses for the city prosecutors. When he lost his private attorney shortly after that, he was never notified of the July 27 of the status conference where the motion for receivership was discussed in the absence of any other legal representation, representation which had been present throughout the previous 2 years.

16. The fact that even properties without violation, and properties with minimal violations were all included in the package to be 'rehabbed', upgraded and to be sold shows clear intent on part of the judge who continued to do nothing when made aware of the over eagerness on part of the city attorney to prosecute, to reward NPAM and other developers, over the interest of long term tenants. The overall welfare of the residents of the city is obviously something that has been lost on this judge.

17. The plaintiffs would like to have a different judge on this matter, as well as a jury to address this important matter of tenant rights, a city's right to address blighted property, and the right of people to remain in areas that are suffering from gentrification.

18. The plaintiffs ask the Court to halt all activities of the receiver, as well as have a jury trial to determine outcome of these issues

Submitted together by



Jose Villavicencio

669 S 22nd Street

Columbus OH 43205

614 9027725



Tracey Johnson

377 Berkeley Rd

Columbus OH 43203